

have a duty to come together, Senators of both parties, to defend the independence of the Justice Department and the FBI, and we must insist that Special Counsel Mueller be allowed to conduct and complete his investigation without political interference.

Thank you.

I yield the floor.

The PRESIDING OFFICER (Mrs. FISCHER). All time has expired.

The question is, Will the Senate advise and consent to the Brown nomination?

Mr. SCHATZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Arkansas (Mr. COTTON), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), the Senator from Arizona (Mr. MCCAIN), and the Senator from Georgia (Mr. PERDUE).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from Illinois (Mr. DURBIN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 7 Ex.]

YEAS—92

Baldwin	Gillibrand	Paul
Barrasso	Grassley	Peters
Bennet	Harris	Portman
Blumenthal	Hassan	Reed
Blunt	Hatch	Risch
Boozman	Heinrich	Roberts
Brown	Heitkamp	Rounds
Burr	Hirono	Rubio
Cantwell	Hoeven	Sanders
Capito	Inhofe	Sasse
Cardin	Isakson	Schatz
Carper	Johnson	Schumer
Casey	Jones	Scott
Cassidy	Kaine	Shaheen
Cochran	Kennedy	Shelby
Collins	King	Smith
Coons	Klobuchar	Stabenow
Corker	Lankford	Sullivan
Cornyn	Leahy	Tester
Cortez Masto	Lee	Thune
Crapo	Manchin	Tillis
Cruz	Markey	Toomey
Daines	McCaskill	Udall
Donnelly	McConnell	Van Hollen
Duckworth	Menendez	Warner
Enzi	Merkley	Warren
Ernst	Moran	Whitehouse
Feinstein	Murkowski	Wicker
Fischer	Murphy	Wyden
Flake	Murray	Young
Gardner	Nelson	

NOT VOTING—8

Alexander	Durbin	McCain
Booker	Graham	Perdue
Cotton	Heller	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to re-

consider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Walter David Counts III, of Texas, to be United States District Judge for the Western District of Texas.

Mitch McConnell, Deb Fischer, John Barrasso, John Thune, Roger F. Wicker, James M. Inhofe, Johnny Isakson, Mike Crapo, Tom Cotton, Chuck Grassley, Thom Tillis, Mike Rounds, Michael B. Enzi, James Lankford, Lindsey Graham, Pat Roberts, Todd Young.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Walter David Counts III, of Texas, to be United States District Judge for the Western District of Texas, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Arkansas (Mr. COTTON), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), the Senator from Arizona (Mr. MCCAIN), and the Senator from Georgia (Mr. PERDUE).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Illinois (Mr. DURBIN), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

The PRESIDING OFFICER (Mr. SASSE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 90, nays 1, as follows:

[Rollcall Vote No. 8 Ex.]

YEAS—90

Baldwin	Cochran	Fischer
Barrasso	Collins	Flake
Bennet	Coons	Gardner
Blumenthal	Corker	Gillibrand
Blunt	Cornyn	Grassley
Boozman	Cortez Masto	Harris
Brown	Crapo	Hassan
Burr	Cruz	Hatch
Cantwell	Daines	Heinrich
Capito	Donnelly	Heitkamp
Cardin	Duckworth	Hoeven
Carper	Enzi	Inhofe
Casey	Ernst	Isakson
Cassidy	Feinstein	Johnson

Jones	Murphy	Shelby
Kaine	Murray	Smith
Kennedy	Nelson	Stabenow
King	Paul	Sullivan
Klobuchar	Peters	Tester
Lankford	Portman	Thune
Leahy	Reed	Tillis
Lee	Risch	Toomey
Manchin	Roberts	Udall
Markey	Rounds	Van Hollen
McCaskill	Rubio	Warner
McConnell	Sasse	Warren
Menendez	Schatz	Whitehouse
Merkley	Schumer	Wicker
Moran	Scott	Wyden
Murkowski	Shaheen	Young

NAYS—1

Hirono

NOT VOTING—9

Alexander	Durbin	McCain
Booker	Graham	Perdue
Cotton	Heller	Sanders

The PRESIDING OFFICER. On this vote, the yeas are 90, the nays are 1. The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant bill clerk read the nomination of Walter David Counts III, of Texas, to be United States District Judge for the Western District of Texas.

The PRESIDING OFFICER. The Senator from Oklahoma.

RULES OF THE SENATE

Mr. LANKFORD. Mr. President, once more I am coming to the floor to talk about the basic rules of the Senate and how we actually get on legislation.

We have spent all of this week on four district court judicial nominations—the entire week, no legislation—because we can't get on legislation.

In 2013, we were in a situation similar to this. The minority party, at that point being the Republicans, were slowing down the process in the Senate on nominations by the Democratic Party, at that point the majority. So Republicans and Democrats sat down together and said: This is a problem. We cannot get to legislation.

The Republicans and Democrats together, with 70-plus votes, made a 2-year rule change in the Senate in the 113th Congress. It was a simple rule change: 2 hours of debate for a district court judge, 8 hours of debate for just about everyone else, and 30 hours of debate for circuit court, Supreme Court, and Cabinet nominations. It was a bipartisan agreement that worked very well for that 2-year time period.

Then, at the end of that 2-year time period, it had a sunset on it, and it expired. The hope was that we would relearn how to be able to do this. I wasn't in the Senate at that time, but I have spoken to multiple people about that process.

What happened instead was, during the first year of that, there continued to be ongoing frustration, so my Democratic colleagues used what is affectionately called the nuclear option to be able to change the rules of the Senate to say that they could bring individuals with only 51 votes—not 60—and

then they used the rule, on top of what they changed, to bring people forward at greater speed, which they did. For the rest of the next year, they used it that way.

We now come to this time period. Let me give an example of what I am talking about and the frustration it creates. Let me confirm my number and make sure I get it right for all of the Senate history. From 1967 until 2012, there were 46 cloture votes invoked. That means they requested a cloture vote, and it went all the way to be a vote—46 of those on judges and the executive branch from 1967 to 2012.

Last year, there were 46 cloture votes in this body, just in 1 year. What was from 1967 until 2012 the total number, Democrats did to Republicans in 1 year—last year.

The statement keeps coming up over and over again: Why can't we get on legislation? Because each day is full of dead time, debating nominations—nominations like what passed today unanimously in the Senate. But we had to have cloture time set aside for it.

This has to be fixed. The rules of the Senate are set by the Senators. In 2013, the Senators stood up and said "This has to stop," and they fixed it. I am recommending again that the Senate, once again, implement the same rule that Democrats led Republicans to do in 2013 now, in this year, and instead of doing it for one Congress, make it the rule. If it was a good idea for Democrats in 2013 and 2014, why is it not a good idea for Republicans and Democrats now?

That simple rule is, when we can't agree on a candidate, we would have only 2 hours of debate on a district judge—remembering that for the entirety of this week, it took the whole week to do four of them. We could do 2 hours of debate for each one if it is a district court judge, 8 hours for just about everybody else, or 30 hours of debate for Supreme Court, circuit court, and Cabinet-level nominations.

People would think that would be a slam dunk. So far it has not been. For some reason, my Democratic colleagues say: That rule was good for us, but it is not good for you, and it is not good for the future of the Senate. I believe it is. I believe it was a fair rule then, and it is a fair rule now. Enough debating about the rules of the Senate; let's get on to the business of the Senate and actually do what the American people sent us here to do.

Interestingly enough, there is also a very obscure rule in the Senate called rule XXXI. If, at the end of the year, there are still nominations that are pending out there, those nominations have to be returned to the White House, and they have to start all over again. The Senate can agree by unanimous consent to say that we all understand these are all in process and, by unanimous consent, just agree to those things to be able to hold them on the calendar.

Let me give an example. Under President Bill Clinton, at the end of his first

year, only 13 of his nominations were sent back to the White House. After the end of George W. Bush's first term, only two nominations were returned back to the White House. After President Obama's first term, only eight were sent back to the White House. After President Trump's first term, 90 were sent back—Bill Clinton, 13; George Bush, 2; President Obama, 8; President Trump, 90.

I don't think my Democratic colleagues understand that they are continuing to amp up the volume of obstruction, saying: Someone has obstructed us in the past, so we are going to do it 10 times to you. All that leads to is that the next time the Republicans are in the minority, we do it 10 times again, and it makes it worse.

There is a way to fix this. We should come to that mutual agreement. We should resolve the rules of the Senate.

We have to get on to the budget. We have to get on to the Children's Health Insurance Program. We have to get on to intelligence issues. We have to get on to immigration. We have to get on to infrastructure. We have to get on to a lot of other things, but we are stuck debating about people, and that should be an easy one for us.

I am recommending to this body what my folks used to say to me: What is good for the goose should be good for the gander. If it was a great rule when Democrats were in the majority, it should be a great rule when Republicans are in the majority.

Let's take clean, fair rules and apply them to everyone. Let's move on with the nomination process. Let's get back to the business of doing legislation so we can get this resolved.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. WARREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OFFSHORE DRILLING

Ms. WARREN. Mr. President, I rise today to discuss the Trump administration's recent proposal to expand offshore drilling to more than 90 percent of U.S. waters. This handout to Big Oil executives puts short-term corporate profits ahead of the long-term health and livelihood of America's coastal families, and it ignores the growing threat posed by climate change.

This administration is too weak-kneed to stand up for American families, too weak-kneed to say "enough is enough" when Big Oil executives demand more, and Big Oil executives keep demanding more because they don't like being told that any area is off limits.

Big Oil didn't like being told that the extraordinary natural, cultural, and historical value of Bears Ears and Grand Staircase-Escalante made them

off limits for fossil fuel development. So President Trump opened up much of the previously protected land for future drilling and mining.

Big Oil didn't like being told that the Arctic National Wildlife Refuge, one of America's last untouched expanses of wilderness, was off limits. So President Trump and this Republican Congress included a provision in the Republican tax bill to allow drilling for the first time in this pristine reserve.

Big oil didn't like being told that our coasts, which provide the homes and livelihoods for millions of Americans, are off limits. So the Trump administration, faithful as ever to whatever Big Oil wants, issued a proposed offshore drilling plan that would allow drilling in more than 90 percent of America's coastal waters. In doing so, the Trump administration is threatening the Atlantic coast with unwanted oil drilling for the first time in more than 30 years, threatening to introduce new drilling rigs to the Pacific coast for the first time in 30 years, threatening the eastern Gulf of Mexico with drilling for the first time in more than 10 years, and threatening to illegally reopen portions of the Arctic for drilling in areas that were permanently protected in 2016.

Our coasts are working waterfronts supporting hard-working families. This unprecedented expansion of offshore drilling endangers hundreds of thousands of jobs that depend on the health of our oceans. In Massachusetts, there is shipping in and out of Boston, fishing from Gloucester to New Bedford, and tourism and small businesses on the Cape and the Islands. The ocean is our lifeline, as it is for so many coastal States and towns around the country.

The multibillion-dollar coastal economy has been a key part of the American economy since our Nation's founding. Our coastal communities are united in opposition to an expansion of offshore drilling. They understand the risks that Big Oil imposes on them.

Our coastal communities remember when the BP-Deepwater Horizon oil spill occurred in 2010. One offshore oil well blew and caused the Deepwater Horizon drilling rig to explode, and what was the consequence? It killed 11 workers, injured 17 more, and unleashed one of the worst environmental disasters in human history. Nearly 5 million barrels of oil gushed into the ocean, contaminating more than 1,300 miles of coastline and nearly 70,000 square miles of surface water. Millions of birds and marine animals died from exposure to the oil and other toxic chemicals. The gulf fishing industry lost thousands of jobs and hundreds of millions of dollars in revenue, and the spill devastated the gulf's coastal tourism economy. The environmental and economic devastation hit working families and small businesses across the entire region.

A commission formed to investigate the BP oil spill concluded that there were "such systematic failures in risk

management that they place in doubt the safety culture of the entire [offshore drilling] industry." The Federal Government vowed to crack down on the offshore oil industry that had been cutting corners at the expense of worker safety and environmental safety. The Bureau of Safety and Environmental Enforcement studied ways to improve oil rig inspections and issued new rules of the road to try to prioritize safety.

But President Trump has abandoned that safety-first approach. He ignores the lessons of the BP oil spill. Instead, he listens to his Big Oil friends. Last month, the administration began rescinding key safety regulations designed to protect our coastlines from another BP spill disaster. I just want to give one example.

In 2016 the Bureau of Safety and Environmental Enforcement implemented new rules to require independent, third-party certification of safety devices on oil rigs. It is not a bad idea to get someone independent to take a look at oil rigs before people put their lives at risk and hundreds of thousands of people could lose their livelihoods if an accident occurred—not a bad idea. But the Trump administration has said that this commonsense approach is an "unnecessary . . . burden" on industry. Just to be clear, this so-called burden would amount to less than a penny on the dollar for an industry that already enjoys tens of billions of dollars in taxpayer subsidies. That is less than a penny on the dollar to protect the livelihoods and maybe the lives of people living on our coasts.

The Trump administration's insistence on padding the pockets of Big Oil while small coastal towns are left carrying all the risk is a perversion of how government is supposed to work, but this is what happens when the Republican Senate allows leadership positions at the Department of the Interior to be filled with industry insiders who reward their past—and, in many cases, their future—employers, rather than serving the American people.

American families deserve forward-looking leadership that builds for the future and ensures that America will lead in the necessary fight against climate change, but President Trump thinks leadership is handing over management of our public resources to the Big Oil executives who are looking to stuff their pockets while they can, and he chooses to ignore the writing on the wall.

Our planet is getting hotter, and 16 of the last 17 years were the hottest on record. Our seas are rising at an alarming rate. Our coasts are threatened by furious storms that can sweep away homes and devastate even our largest cities. Many communities are just one bad storm away from complete devastation. Our naval bases are under attack, not by enemy ships but by rising seas. Our food supplies and our forests are threatened by an endless barrage of droughts and wildfires.

The effects of man-made climate change are all around us, and things will only continue to get worse at an accelerating pace if we don't do something about it. Will addressing climate change be tough? You bet it will. We will need to retool, to install offshore wind turbines instead of President Trump's offshore drilling rigs. But there is no country and no workforce in the world that is more willing and more able to tackle the challenges of climate change head-on than the United States of America. Yes, it is hard, but it is what we do. It is who we are.

The American people deserve leadership that knows the strength of the American people; leadership that believes in the innovative resolve of American workers ready to build clean energy infrastructure of the world; leadership that will deliver a clear message to the Big Oil executives, hell-bent on protecting their own short-term profits and who don't like being told that a place is off limits; leadership that will not chain our economy to the fossil fuels of the past; leadership that does not ignore the realities of climate change; and leadership that does not put our coastal communities at further risk of another devastating oil spill. The American people deserve leadership that works for their interests, not for the interests of Big Oil.

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Virginia.

THOMASINA E. JORDAN INDIAN TRIBES OF VIRGINIA FEDERAL RECOGNITION ACT OF 2017

Mr. Kaine. Mr. President, I rise today on a happy occasion, to discuss a House bill, H.R. 984, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act. This is a bill with a long history, and we are joined in the Chamber by the chiefs of six Virginia Tribes whose past, present, and certainly future are connected to this bill. I will speak briefly. Then, Senator WARNER will speak. Then, the matter will be called up for a voice vote. Various objections have been heard and then cleared, and so we are now ready to move forward with this bill, which passed the House in May.

This is about Virginia Tribes that were here and encountered the English when they arrived at Georgetown in 1607—the Tribes of Pocahontas and so many other wonderful Virginians. They are living, breathing, active Tribes. They have never been recognized by the Federal Government for a series of reasons.

First, they made peace too soon, in a way, and they have been punished for that. They entered into peace treaties with the English in the 1670s.

Second, many of their Tribal records were destroyed in the Civil War. Third, a State official destroyed other records during the 1920s through 1960s. The power of these Tribes having achieved

State recognition beginning many years ago—and they have never given up hope that they would be recognized by the U.S. Government, just as they have been recognized for hundreds of years by the Government of England. In fact, last spring, they went to England to celebrate the 400th anniversary of the death of Pocahontas. They were treated as sovereigns, treated with respect, and all they have asked is to be given the same treatment by the country they love.

This bill for Tribal recognition was first introduced by a Virginia Governor, then-Senator George Allen, in the 107th Congress. A House companion bill to the Senate version was passed in May, and that is the third time the House has passed this bill—first in 2007, and the second time was in 2009.

I have had many productive discussions, as has Senator WARNER, over the last months about the bill, various questions about the history. We are now in a position where all objections have been cleared, and we are ready to move ahead.

It is such a treat to be joined by the chiefs. It is such a treat to be joined by my colleague, my senior Senator. Senator WARNER has worked tremendously hard on this, as have I, from the day he was Governor. I also have to give praise to Congressman WITTMAN on the House side, who has worked very hard to get to this day.

It is a fundamental issue of respect and fairly acknowledging a historical record and a wonderful story of Tribes who are living, thriving, and surviving and are a rich part of our heritage. This is a happy day to stand upon their behalf.

With that, I wish to yield to the senior Senator.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, let me join my friend and colleague Senator Kaine. We and some of the folks who are in the Gallery today were not sure if this day would ever come. Even in the U.S. Congress and the U.S. Senate, occasionally we get things right. And, boy oh boy, this is a day where we get things right on a civil rights basis, on a moral basis, and on a fairness basis.

To our friends who are representatives of some of the six Tribes who are finally going to be granted Federal recognition, we thank you for your patience, your perseverance, and your willingness to work with us and others.

This has become an issue over the last 20-plus years. Democrats and Republicans alike in Virginia have acknowledged the fact that these six Tribes, whose history predates any European settlement in this country, whose history goes back, as Senator Kaine mentioned, where they were recognized by the United Kingdom and recognized by the British Government when they controlled our country—but through a series of circumstances, in many cases abetted by a backwards-looking government earlier in the 20th